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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,528	10/06/2003	Kazuhiro Takeda	SIC-03-036	2527

29863 7590 09/21/2005

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EXAMINER

LEE, GUNYOUNG T

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,528

Applicant(s)

TAKEDA, KAZUHIRO

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 1, 2005 has been entered: claims 1, 2, 5, 7, 12, 14 and 16 have been amended; and claims 1-16 are still pending in this application.

Response to Arguments

2. In response to applicant's arguments regarding newly amended claims 1-5, the limitations in amended claims 1-5 do not define a patentable distinct invention over the prior art of record, since the amended features of the computer housing including "a front surface that faces primarily forwardly and not downwardly" and "a beveled portion extending rearwardly from the front surface" do not provide any clear advantage or unexpected results. In addition, the limitations in amended claims 1-5 are met by rotating the bicycle lighting device of Lin around the bicycle handle bar as shown in the picture on page 5.

3. In response to applicant's arguments regarding newly amended claims 7-8, the limitations in amended claims 7-8 do not define a patentable distinct invention over the prior art of record, since the amended feature of the display housed within the computer housing as being "inclined rearwardly" does not provide any clear advantage or unexpected results. In addition, the limitation in amended claims 7-8 is also met by rotating the bicycle lighting device of Lin around the bicycle handle bar as shown in the picture on page 5.

4. In response to applicant's arguments regarding claims 9-14, separating the battery housing from the computer housing is not given patentable weight since it is obvious to one of ordinary skill in the art to separate the battery housing from the computer housing as further discussed in the rejection. Using a separate battery housing increases the complexity of the lighting system and the cost of manufacturing as well.

5. In response to applicant's arguments regarding claims 15-16, Baker clearly teaches that the secondary/auxiliary lights (Fig. 1, 12, 17) lighting outside of the battery housing (13) are designed for better safety of the bicycle rider by clearly illuminating the bicycle and rider (col. 1, lines 53-56) from all directions including the front to which is the primary lighting direction of the headlight (11) that is mounted on the bicycle handle bar like the integrated lighting device in the application.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

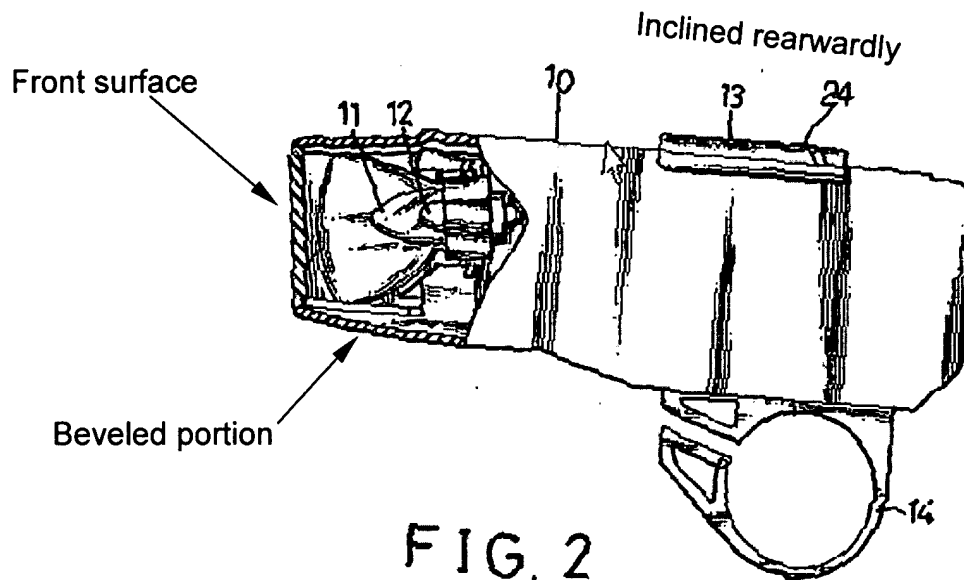
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US 5,690,410).

8. In regards to claims 1-5, Lin discloses a bicycle lighting device having:

- A computer housing (Fig. 1, 10) adapted to be mounted to a bicycle handle (32);
- Wherein the computer housing (Fig. 2, 10) includes a front surface that faces primarily forwardly and not downwardly;
- Wherein the computer housing (Fig. 2, 10) includes a downwardly beveled portion;
- A computer/microprocessor (Fig. 4, 20) housed within the computer housing (10);
- Wherein the lighting device (Fig. 4, 11) is controlled by the computer/microprocessor (20) (Col. 2, lines 37-42);
- Wherein the lighting device (Fig. 2, 11) is housed at the beveled portion of the computer housing (10) so that light emitted by the lighting device (11) is directed forwardly and downwardly outside of the computer housing (10);
- A display (Fig. 2, 13) housed within the computer housing (10) and inclined rearwardly;
- Wherein the computer/microprocessor (Fig. 4, 20) controls the information provided on the display (13) (Col. 2, lines 26-27);

- Wherein the same lighting device (Fig. 3, 131) provides backlighting for the display (13) as well as lighting outside of the computer housing (10).



Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 5,690,410) in view of Sun et al. (US 5,477,425).

11. Lin was discussed in the rejection of claims 1 and 5 above. In regards to claims 7-8, Lin shows the invention substantially as claimed except for the lateral lighting in which light emitted by the lighting device is directed laterally outside of the housing.

12. In regards to the lateral lighting, Sun et al. disclose a bicycle lighting device (Fig. 7) in which light emitted by the lighting device is directed laterally (10) outside of the lighting device (1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the lateral lighting as shown in Sun et al. for the bicycle light of Lin in order to illuminate the area around the bicycle for better safety of the rider.

13. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 5,690,410) in view of Baker (US 3,792,307).

14. Lin was discussed in the rejection of claims 1 and 5 above. Lin shows the invention substantially as claimed except for:

- A battery housing spaced apart from the light/computer housing (claims 9, 13);
- An alternating current generator (dynamo) which provides power to the battery (claim 10);
- A second lighting device disposed outside of the battery housing (claims 11, 13, 15).

15. In regards to a battery housing spaced apart from the computer housing (claims 9, 13), Lin discloses a battery (Fig. 4, 16) disposed in the computer housing (10) (col. 2, lines 29-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to separate the battery housing from the computer housing, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

16. In regards to the alternating current generator (dynamo) which provides power to the battery (claim 10), the bicycle lighting system disclosed by Baker has a generator (14) which provides d-c voltage to the battery and to the lights. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the d-c generator (dynamo) of Baker for the bicycle lighting device of Lin in order to provide strong power to the rechargeable battery and to the lights when the bicycle is traveling. A d-c voltage created by the generator (dynamo) increases as the speed of the bicycle increases. At a high speed, the output d-c from the generator is sufficient to provide power to both lights and rechargeable battery.

17. In regards to the second lighting device disposed outside of the battery housing (claims 11, 13, 15), the bicycle lighting system disclosed by Baker has secondary/auxiliary lights (Fig. 1, 12, 17) which are disposed outside of the battery housing and designed to illuminate the bicycle and rider from all directions. It would

have been obvious to one of ordinary skill in the art at the time of the invention to use the secondary/auxiliary lights of Baker for the lighting system of Lin in order to provide a clear indication of a bicycle presence. The clear indication of the bicycle makes it easier for the automobile drivers to detect or identify the bicycle during evening or night hours.

Allowable Subject Matter

18. Claim 6 is objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claim 6 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a bicycle lighting system which includes "a same lighting device providing backlighting for the display as well as lighting directed forwardly outside of the computer housing".

Conclusion

20. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
9/16/2005



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